



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 4, 2015

Ms. Marie N. Rovira
Counsel for the Town of Addison
Messer, Rockefeller & Fort, P.L.L.C.
6351 Preston Road, Suite 350
Frisco, Texas 75034

OR2015-16033

Dear Ms. Rovira:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 577140 (Ref. No. W003708-060815).

The Town of Addison (the "town"), which you represent, received a request for a list of all properties for which the water was shut off during a specified time frame. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note only the addresses of the properties for which the water was shut off during the specified time frame are responsive to the request for information. You have submitted a document that contains information beyond the requested addresses. Thus, the portions of the submitted document that do not consist of the information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the town is not required to release that information in response to the request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information made confidential by other statutes, such as section 182.052 of the Utilities Code, which provides, in part:

(a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, if the customer requests that the government-operated utility keep the information confidential. However, a government-operated utility may disclose information related to the customer's volume or units of utility usage or amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.

(b) A customer may request confidentiality by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(3) or any other written request for confidentiality.

Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) means an individual's address, telephone number, or social security number. *See id.* § 182.051 (4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). We note that, because section 182.052 is intended to protect the safety and privacy of individual customers, this statute is applicable only to information pertaining to natural persons, and does not protect information relating to business, governmental, and other artificial entities. *See* ORD 625 at 4-5 (in context of section 182.051(4) of the Utilities Code, "individual" means only natural persons and does not include artificial entities). Water, waste water, gas, and garbage services are included in the scope of utility services covered by section 182.052. *See* Util. Code § 182.051(3).

You contend the responsive information is subject to section 182.052. However, we note some of the addresses at issue pertain to businesses or other artificial entities, and not natural persons. This information is not made confidential by section 182.052, and the town may not withhold it under section 552.101 of the Government Code on this basis. With respect to the information pertaining to natural persons, you indicate the individuals at issue made written requests for confidentiality under section 182.052. Further, you do not indicate any of the exceptions to confidentiality under section 182.054 apply in this instance. However, you do not inform us whether the town's primary source of water is a sole-source designated aquifer. Accordingly, we must rule conditionally. If the town's primary source of water is not a sole-source designated aquifer, then the town must withhold the natural persons' addresses, a representative sample of which we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. Conversely, if the town's primary source of water is a sole-source aquifer, then the town has the discretion to release the natural persons' addresses, notwithstanding the individuals' requests for confidentiality. The remaining responsive information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Berger', with a long horizontal flourish extending to the right.

Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 577140

Enc. Submitted documents

c: Requestor
(w/o enclosures)